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Technology and Courtroom Advocacy in India: E-Filing, Video Hearings and the Constitutional Case for Hybrid Justice

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ABSTRACT

This paper examines how e-filing and video hearings have altered courtroom advocacy in India and asks when digital procedure advances, rather than weakens, constitutional justice. It adopts a doctrinal and analytical methodology, drawing on legislation, Supreme Court decisions, the e-Committee's model rules, official policy documents, and comparative scholarship on remote adjudication. The study finds that e-filing can reduce transaction costs, improve document control, and make case management more transparent, while video hearings can preserve continuity and remove geographical barriers. These gains, however, are uneven. Connectivity failures, inaccessible platforms, inadequate lawyer-client communication, diminished control over witnesses, data-security risks, and the loss of some non-verbal interaction can materially affect participation and equality of arms. The paper argues that the binary choice between physical and virtual courts is conceptually mistaken. Its principal contribution is a functional-suitability model: routine, document-centred, and case-management proceedings should ordinarily remain digitally accessible; credibility-sensitive evidence, serious criminal trials, and matters involving vulnerable participants should attract a rebuttable preference for physical hearing. Any departure should be supported by recorded reasons and effective participation safeguards. The paper concludes that technology is constitutionally legitimate not because it is faster, but because it can expand meaningful access without reducing fair hearing guarantees. A rights-sensitive hybrid system, supported by assisted digital access, interoperable filing standards, secure infrastructure, reasoned mode-selection, and continuing professional training, offers the most defensible path for Indian courts.

Keywords: courtroom advocacy, e-filing, video hearings, hybrid courts, access to justice, procedural fairness

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I. INTRODUCTION

A. Research problem and significance

Courtroom advocacy in India has traditionally been organized around a physical file, a fixed courtroom, and face-to-face interaction among the judge, advocates, parties, and witnesses.

Digital procedure unsettles each element of that model. Electronic records receive statutory recognition under the Information Technology Act, 2000, while model e-filing rules seek to standardize the electronic institution and management of cases.^{1,2} Video conferencing has likewise moved from an exceptional method of recording evidence to an accepted mode of judicial work. In *State of Maharashtra v. Dr. Praful B. Desai*, the Supreme Court held that the requirement of presence could be satisfied through video conferencing; during the COVID-19 emergency, the Court gave nationwide legal authority to virtual functioning.^{3,4} Section 530 of the Bharatiya Nagarik Suraksha Sanhita, 2023 now expressly permits trials, inquiries, witness examination, service processes, and appellate proceedings to be conducted through electronic means.⁵

The central research problem is therefore no longer whether courts may use technology. The harder question is how the mode of hearing changes the quality of legal representation and whether efficiency gains can be reconciled with equality, open justice, privacy, and fair procedure. A poorly designed digital process may save travel time while preventing a litigant from consulting counsel, following the record, hearing the judge, or testing a witness effectively. Conversely, insistence on physical appearance for every procedural step can itself deny justice through distance, expense, delay, disability, or caregiving constraints. The legal issue is one of institutional design: the justice system must decide which functions are suitable for digital delivery and which require physical presence or enhanced safeguards.

B. Research questions, gap and argument

The paper addresses four questions. First, what legal and institutional rules govern e-filing and video hearings in India? Second, how do these technologies alter written advocacy, oral persuasion, evidence, and lawyer-client communication? Third, when do digital procedures enhance access to justice, and when do they create procedural disadvantage? Fourth, what

¹ Information Technology Act, No. 21 of 2000, §§ 4-5, INDIA CODE (2000).

² E-COMMITTEE, SUPREME COURT OF INDIA, Model Rules for e-Filing (2020).

³ *State of Maharashtra v. Dr. Praful B. Desai*, (2003) 4 S.C.C. 601 (India).

⁴ *In re Guidelines for Court Functioning Through Video Conferencing During COVID-19 Pandemic*, Suo Motu Writ (C) No. 5 of 2020, order dated Apr. 6, 2020 (India).

⁵ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 530, INDIA CODE (2023).

principles should guide the choice between physical, virtual, and hybrid modes? Existing scholarship often frames online courts either as instruments of lower cost and wider reach or as sources of exclusion and diminished procedural quality.^{6,7,8} Empirical work on video-linked bail hearings also warns that apparent administrative efficiency may coexist with altered communication and decisional outcomes.⁹ The gap lies in connecting those insights to the contemporary Indian legal framework and to the practical craft of advocacy.

This paper argues for a functional-suitability model rather than a universal preference for either physical or virtual courts. Digital access should be the ordinary option for filing, case management, short directions, uncontested matters, and document-centred submissions. Physical presence should carry a rebuttable preference where credibility, liberty, vulnerability, confidential consultation, or complex evidentiary control is central. Mode-selection must be reasoned, reviewable, and supported by minimum participation standards. This approach treats technology as part of constitutional procedure, not merely as court administration.

II. RESEARCH METHODOLOGY AND LITERATURE

A. Doctrinal and analytical method

The study uses a qualitative doctrinal method. Primary materials include the Constitution of India, the Information Technology Act, 2000, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 2023, Supreme Court decisions, and the e-Committee's model rules and policy documents. Secondary materials include books and peer-reviewed scholarship on online courts, access to justice, remote adjudication, and advocacy. The method is analytical because it does more than describe legal permission for digital procedure: it evaluates that permission against constitutional standards of access, fairness, equality, privacy, and open justice. No interviews, surveys, or statistical causal claims are made; conclusions about user experience are therefore normative and literature-informed rather than presented as original empirical findings.

B. Normative framework

The evaluation proceeds from four connected principles. Access to justice is a constitutional value and has been treated by the Supreme Court as indispensable to the rule of law.¹⁰ Fair

⁶ RICHARD SUSSKIND, *ONLINE COURTS AND THE FUTURE OF JUSTICE* 57-88 (Oxford Univ. Press 2019).

⁷ ETHAN KATSH & ORNA RABINOVICH-EINY, *DIGITAL JUSTICE: TECHNOLOGY AND THE INTERNET OF DISPUTES* 29-53 (Oxford Univ. Press 2017).

⁸ Ingrid V. Eagly, *Remote Adjudication in Immigration*, 109 NW. U. L. REV. 933, 968-78 (2015).

⁹ Shari Seidman Diamond et al., *Efficiency and Cost: The Impact of Videoconferenced Hearings on Bail Decisions*, 100 J. CRIM. L. & CRIMINOLOGY 869, 898-902 (2010).

¹⁰ *Anita Kushwaha v. Pushap Sudan*, (2016) 8 S.C.C. 509 (India).

procedure under Article 21 must be just, fair, and reasonable rather than formally available but practically unusable.¹¹ Open justice supports public confidence and scrutiny, though openness may yield to privacy, safety, and the administration of justice in appropriate cases.¹² Privacy, recognised as a fundamental right, requires proportional safeguards when judicial platforms collect, transmit, display, or retain personal data.¹³ These principles sometimes pull in different directions. A livestream may enhance openness but expose a child or sexual-offence survivor; remote appearance may help a person with mobility constraints yet impair confidential consultation with counsel. Constitutional design requires accommodation, not a single technological rule.

III. LEGAL AND INSTITUTIONAL FRAMEWORK

A. Electronic filing and digital case management

Sections 4 and 5 of the Information Technology Act establish legal recognition for electronic records and signatures. That foundation does not itself create a right to insist that every court accept every electronic form; procedural authority is supplied by court rules, practice directions, and filing systems. The e-Committee's Model Rules for e-Filing address registration, formatting, electronic signing, online court fees, scrutiny, defect curing, and service copies.¹⁴ Properly implemented, these rules convert filing from a location-bound event into a traceable workflow. Time stamps, electronic acknowledgements, defect notifications, and searchable records can reduce uncertainty and prevent the informal loss or misplacement of papers.

E-filing also changes advocacy. A digital brief must be readable on screen, internally coherent, correctly bookmarked, searchable, and supported by accurately identified annexures. Poor naming conventions, image-only scans, missing pagination, oversized files, or broken hyperlinks can obstruct a judge as seriously as an unpaginated physical bundle. The advocate's duty of preparation therefore includes technical legibility. Yet digitisation should not become a new pleading trap. Rules should distinguish curable technical defects from substantive non-compliance, provide help desks and assisted-filing counters, and preserve alternative access where disability, language, poverty, or infrastructure makes independent e-filing unreasonable.

The e-Courts Project Phase III places digitization, interoperability, paperless processes, e-filing, e-payments, and citizen-facing services within a broader institutional programme.¹⁵ Its success

¹¹ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

¹² *Swapnil Tripathi v. Supreme Court of India*, (2018) 10 S.C.C. 639 (India).

¹³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

¹⁴ Model Rules for e-Filing, rr. 5-12 (E-COMMITTEE, SUPREME COURT OF INDIA 2020).

¹⁵ DEPARTMENT OF JUSTICE, MINISTRY OF LAW & JUSTICE, GOVERNMENT OF INDIA, *eCourts Project Phase III* (2023-2027).

should be measured by reliable completion of legal tasks, not merely the number of portals or scanned pages. Fragmented interfaces, separate credentials, inconsistent file limits, and recurring downtime transfer administrative burden from the registry to advocates and litigants. Common standards, multilingual design, accessibility testing, and transparent outage protocols are therefore elements of procedural justice.

B. Video hearings: judicial and statutory recognition

Praful B. Desai remains the doctrinal starting point. The Supreme Court rejected a narrow equation between legal presence and physical proximity, reasoning that contemporaneous participation through video conferencing could satisfy procedural requirements. The 2020 suo motu order responded to an emergency but also articulated lasting safeguards: High Courts were authorised to prescribe modalities, District Courts were to follow those rules, and facilities were to be made available to litigants lacking access. The e-Committee's Model Rules subsequently addressed identity, coordination, examination of witnesses, documents, interpreters, privacy, and unauthorised recording.¹⁶ These materials show that a virtual hearing is legally constituted by rules and safeguards, not simply by opening a commercial video platform.

The Supreme Court's matrimonial-transfer jurisprudence illustrates why context matters. Krishna Veni Nagam encouraged video conferencing as a means of reducing travel hardship, but the later decision in Santhini cautioned against treating it as a universal substitute in sensitive matrimonial proceedings.^{17,18} The cases are best read not as technological inconsistency but as recognition that procedural suitability depends on the function of the hearing, the interests affected, and the capacity of participants to engage meaningfully.

Section 530 of the BNSS gives electronic procedure a permanent statutory basis in criminal justice. The provision is broad, but its use of "may" preserves judicial choice. That discretion must be exercised consistently with fair-trial rights. Electronic permissibility cannot by itself answer whether a particular accused can understand the hearing, communicate privately with counsel, confront adverse material, or participate without coercion. The Bharatiya Sakshya Adhiniyam's treatment of electronic records similarly strengthens the legal environment for digital evidence while preserving requirements of proof and reliability.¹⁹

¹⁶ E-COMMITTEE, SUPREME COURT OF INDIA, Model Rules for Video Conferencing for Courts (2020).

¹⁷ *Krishna Veni Nagam v. Harish Nagam*, (2017) 4 S.C.C. 150 (India).

¹⁸ *Santhini v. Vijaya Venketesh*, (2018) 1 S.C.C. 1 (India).

¹⁹ Bharatiya Sakshya Adhiniyam, No. 47 of 2023, §§ 61-63, INDIA CODE (2023).

C. Open justice, privacy and data governance

Digital courts produce several layers of information: pleadings, identity data, contact details, evidence, access logs, recordings, transcripts, and metadata. Some material belongs on the public record; some is confidential; some may be viewed only by authorised participants. Swapnil Tripathi supports the use of technology to advance open justice but also recognizes that access can be regulated to protect dignity, privacy, and the fairness of proceedings. The distinction between a hearing being open and a recording being permanently searchable is especially important. Digital dissemination can magnify harm long after a physical observer would have left the courtroom.

The Digital Personal Data Protection Act, 2023 and the staged Digital Personal Data Protection Rules, 2025 do not displace court-specific powers and lawful processing requirements. They nevertheless reinforce useful governance principles: defined purpose, proportionate collection, security safeguards, accountability, and breach response.²⁰ Court rules should specify who controls data, where recordings are retained, when access ends, how third-party service providers are audited, and how restricted records are protected. The Information Technology Act also contains provisions relevant to unauthorised access and breach of confidentiality.²¹

IV. TRANSFORMATION OF COURTROOM ADVOCACY

A. Written advocacy in an e-filing environment

Electronic filing elevates organization from a clerical concern to a persuasive technique. Judges often move between pleadings, annexures, authorities, and prior orders on a single screen. A useful digital submission therefore begins with a concise issue statement, employs consistent electronic pagination, and provides a navigable index. Authorities should be supplied in searchable form with the relevant passage identified. Exhibits must be compressed without making text illegible. These practices do not dilute substantive law; they reduce the cognitive cost of finding it.

Digital precision also supports professional responsibility. Electronic acknowledgements establish when a document was filed, version control reduces accidental reliance on obsolete drafts, and shared repositories can help teams coordinate. At the same time, instant transmission increases the risk of filing confidential or incorrect material before adequate review. Chambers require protocols for final approval, redaction, naming, storage, access rights, and secure

²⁰ Digital Personal Data Protection Act, No. 22 of 2023, INDIA CODE (2023); Digital Personal Data Protection Rules, 2025, Gazette of India, Extraordinary, pt. II, sec. 3(i) (Nov. 14, 2025).

²¹ Information Technology Act, No. 21 of 2000, §§ 43A, 72, INDIA CODE (2000).

transfer. The e-Committee's user materials are a baseline, but law schools and bar institutions should treat digital filing competence as part of advocacy training.²²

B. Oral persuasion through a screen

Virtual oral advocacy rewards structure. Audio delay and limited visual cues make long narrative submissions harder to follow. The advocate should identify the relief sought, state the decisive issue, anchor each proposition to the electronic record, and pause for questions. Speaking speed, microphone discipline, camera framing, and the ability to share the correct page become functional components of persuasion. A short-written roadmap can compensate for reduced spatial and non-verbal communication. These skills complement rather than replace mastery of facts and law.²³

The screen also redistributes courtroom power. A participant with strong bandwidth, multiple displays, staff support, and a quiet office may appear composed, while a litigant joining from a shared phone may seem distracted or unresponsive. Such differences can be mistaken for credibility or seriousness. Judges should avoid drawing adverse inferences from technological presentation without inquiry. Courts should provide connection checks, clear turn-taking rules, telephone fallback, and a procedure for recording objections when sound or video failure affects a submission.

C. Evidence, cross-examination and credibility

Cross-examination presents the strongest case for caution. The examining lawyer must know what the witness can see, whether anyone else is present, what documents are available off camera, and whether communication is occurring through another device. Camera perspective narrows observation and may conceal the physical environment. Delay can disrupt rhythm, and document confrontation may become cumbersome. Scholarship on the remote defendant similarly warns that mediation can affect communication, perceived presence, and the relationship between counsel and client.²⁴

Demeanour should not be romanticized as an infallible truth detector, but control over the conditions of testimony remains essential. For remote evidence, the court should verify identity and location, require an adequate view of the witness and room, restrict unauthorised assistance, preserve a secure channel for exhibits, and record interruptions. The Model Video-Conferencing

²² E-COMMITTEE, SUPREME COURT OF INDIA, eFiling Services 3.0: User Manual.

²³ RICHARD SUSSKIND, TOMORROW'S LAWYERS: AN INTRODUCTION TO YOUR FUTURE 95-119 (2d ed. Oxford Univ. Press 2017).

²⁴ Anne Bowen Poulin, *Criminal Justice and Videoconferencing Technology: The Remote Defendant*, 78 TUL. L. REV. 1089, 1121-42 (2004).

Rules already supply much of this architecture.²⁵ Where compliance cannot be assured, or where the evidence is decisive and credibility-intensive, physical examination should ordinarily be preferred.

D. Confidential consultation and equality of arms

Effective representation requires more than hearing the advocate speak. An accused or litigant must be able to give instructions, correct factual misunderstandings, and receive advice during the proceeding. In a physical courtroom, consultation may be imperfect but is usually visible and immediately arranged. In a virtual hearing, the client may be in custody, at home, in a court facility, or on the same public connection as other participants. Without a confidential channel and adequate time, formal representation can become hollow. The right to legal assistance in a serious criminal case is integral to a fair trial.²⁶

Courts should therefore confirm at the outset that counsel and client have communicated, provide private virtual breakout facilities or telephone access, and pause proceedings when instructions are necessary. Where the accused is in custody, the quality of the institutional connection and the absence of monitoring during privileged consultation require particular attention. Equality of arms also demands that both sides can access the same electronic record and presentation tools. A hybrid hearing should not leave one party physically before the judge while the other participates remotely without consent or sufficient justification.

V. ACCESS TO JUSTICE AND PROCEDURAL FAIRNESS

A. The access gains

Digital procedure can reduce the price of reaching a court. Travel, accommodation, repeated physical filing, and waiting time impose substantial burdens, especially on persons located far from the forum. Remote appearance may assist persons with disabilities, elderly litigants, caregivers, witnesses abroad, and lawyers appearing for short directions. It can also reduce adjournments caused solely by distance and preserve judicial work during disruption. These benefits matter because access to justice concerns the ability to obtain a meaningful remedy, not merely the theoretical existence of a court.²⁷

E-filing can likewise extend filing hours, provide status information, and reduce dependence on intermediaries. Digital copies can be shared more easily with legal-aid counsel, and standardized forms may help self-represented litigants. Article 39A and the Legal Services

²⁵ Model Rules for Video Conferencing for Courts, rr. 5, 6, 8 (E-COMMITTEE, SUPREME COURT OF INDIA 2020).

²⁶ *Mohd. Hussain @ Julfikar Ali v. State (Govt. of NCT of Delhi)*, (2012) 2 S.C.C. 584 (India).

²⁷ Rebecca L. Sandefur, *Access to What?*, 148 DAEDALUS 49, 49-55 (2019).

Authorities Act, 1987 support institutional measures that make legal processes genuinely reachable.^{28,29} Technology can therefore advance constitutional equality when it removes a barrier rather than simply changing its form.

B. The digital divide as a procedural disability

Access gains are conditional on electricity, connectivity, devices, digital literacy, language, and accessible design. A person may technically receive a hearing link yet be unable to upload a document, read a small screen, use an authentication method, or find a private place. These are not external inconveniences when they affect the ability to present a case. A fair system must treat serious technological disadvantage as a procedural disability requiring accommodation.

Assisted digital justice is therefore indispensable. Every court complex should provide staffed e-seva or facilitation facilities for filing and remote participation. Legal Services Authorities can coordinate support for unrepresented and vulnerable persons. Platforms should comply with accessibility standards, offer major Indian languages, and work on low-bandwidth connections. Filing deadlines should be protected by transparent rules for verified outages. No adverse order should rest on non-appearance where the court is reasonably satisfied that connection failure prevented participation.

C. Fair-hearing thresholds

Natural justice is flexible, but flexibility is directed toward fairness, not administrative convenience.³⁰ A virtual procedure is fair only if the participant has timely notice, understands the mode, can access the materials, can hear and be heard without material interruption, can consult counsel, and can challenge adverse evidence. In criminal cases, liberty and stigma increase the required level of protection. The right to speedy trial is important, but speed cannot cure a hearing in which the accused cannot participate effectively.³¹

Prejudice should be assessed concretely. A brief audio failure during a routine adjournment may be harmless; repeated loss of connection during cross-examination may be fundamental. Indian fair-trial doctrine distinguishes curable irregularity from failure that vitiates the process, and courts should apply the same discipline to technological defects.³² Orders should record material disruptions, the remedial step taken, and any objection. This creates accountability and permits meaningful appellate review.

²⁸ INDIA CONST. arts. 14, 21, 39A.

²⁹ Legal Services Authorities Act, No. 39 of 1987, INDIA CODE (1987).

³⁰ *A.K. Kraipak v. Union of India*, (1969) 2 S.C.C. 262 (India).

³¹ *Hussainara Khatoon (I) v. State of Bihar*, (1980) 1 S.C.C. 81 (India).

³² *Rattiram v. State of Madhya Pradesh*, (2012) 4 S.C.C. 516 (India).

VI. A FUNCTIONAL-SUITABILITY MODEL FOR HYBRID JUSTICE

A. Presumptive allocation by procedural function

A sustainable hybrid system should begin with rebuttable presumptions. Digital access should ordinarily be available for filing, scrutiny, case-management conferences, scheduling, short directions, uncontested applications, and appellate or other hearings dominated by an established documentary record. These functions usually gain from reduced travel and rapid document access without sacrificing significant evidentiary control. Parties should retain the ability to request physical appearance where disability, complexity, language, or technology makes remote participation ineffective.

Physical hearing should ordinarily be preferred for credibility-sensitive testimony, complex cross-examination, serious criminal trials involving an accused in custody, matters concerning children or other vulnerable participants, and proceedings where confidential consultation cannot otherwise be secured. The preference should remain rebuttable because a vulnerable witness may sometimes be better protected remotely, and a distant expert may testify effectively under controlled conditions. The decisive question is not tradition but which mode best protects meaningful participation and accurate adjudication.

B. Reasoned mode-selection

The judge should consider the nature and stage of the case, the liberty or other interests at stake, whether credibility is disputed, the volume and form of evidence, the parties' preferences, disability or vulnerability, access to counsel, technological capacity, privacy, security, and likely prejudice. A contested decision should be supported by brief recorded reasons. Reasons discipline discretion, expose unequal assumptions, and allow correction. They also generate institutional knowledge about which proceedings work well in each mode.

C. Minimum participation safeguards

No virtual or hybrid hearing should proceed without minimum safeguards: verified notice and identity; access to the complete record; a reliable audio-visual or approved fallback connection; accessible and language-appropriate instructions; a confidential lawyer-client channel; procedures for exhibits and witness control; prohibition of unauthorised recording; and an incident log for material failures. A participant should be able to request a pause or change of mode without fear that the request itself will be treated as obstruction. Public-access arrangements should be separated from participant access so that openness does not compromise case security.

D. Security and institutional accountability

Judicial systems should use secure authentication, role-based access, encryption in transit and at rest, tested backups, audit logs, patch management, and independent security assessment. Vendor contracts must define data ownership, location, subcontracting, deletion, and breach notification. Sensitive case categories require restricted access and retention schedules. Human error remains a major risk, so judges, staff, and advocates need recurring training in phishing, redaction, password hygiene, screen sharing, and the handling of recordings. Phase III provides an opportunity to embed these requirements into architecture rather than add them after deployment.³³

E. Advocacy competence and evaluation

Bar Councils, universities, judicial academies, and court registries should develop practical instruction in e-filing, digital bundles, remote examination, online ethics, cybersecurity, and accessible communication. Competence should not be confused with ownership of expensive equipment; courts must publish reasonable minimum specifications and provide facilities for those who lack them. Reform should also be evaluated through disaggregated data on failed connections, adjournments, user assistance, time and cost, accessibility complaints, and outcomes. The purpose is not to prove that technology works, but to identify where it works, for whom, and under what safeguards.

VII. CONCLUSION

E-filing and video hearings have permanently changed courtroom advocacy in India. They can reduce travel and filing costs, preserve judicial continuity, improve access to records, and make routine procedure more efficient. They also demand new forms of professional precision: advocates must construct searchable digital records, make screen-oriented submissions, manage electronic evidence, protect confidential information, and prepare for technical failure. These are now aspects of competent representation rather than optional conveniences.

The research problem cannot, however, be answered by equating digitisation with access to justice. A hearing is not fair merely because a link was issued, and a filing system is not accessible merely because it is online. Connectivity, disability, language, confidential consultation, witness control, cybersecurity, and equality of technological resources can determine whether participation is real. Constitutional values therefore supply the measure of

³³ E-COMMITTEE, SUPREME COURT OF INDIA, *Digital Courts Vision & Roadmap: Phase III of the eCourts Project* (2022).

digital reform. Access, fair procedure, open justice, and privacy must shape both platform design and judicial choice.

The functional-suitability model offers a principled resolution. Routine and document-centred work should remain digitally accessible; credibility-sensitive, liberty-intensive, and vulnerable-participant proceedings should carry a rebuttable preference for physical hearing. Mode-selection should be reasoned and accompanied by enforceable participation safeguards, assisted digital facilities, secure infrastructure, and professional training. The Supreme Court's video-conferencing jurisprudence, section 530 of the BNSS, and the e-Courts programme provide ample legal space for this model. The next stage of reform should use that space deliberately. Technology should neither imitate every feature of the physical courtroom nor replace human adjudication. Its legitimate role is to remove avoidable barriers while preserving the conditions under which advocacy can remain independent, confidential, persuasive, and fair.
